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5  
6 Counsel for Defendant FENG

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-11-70565 MAG-(NC)
	)	
12 Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER TO CONTINUE AND
13 v.	)	EXCLUSION UNDER THE SPEEDY
	)	TRIAL ACT AND RULE 5.1
14 EDWARD FENG,	)	
	)	
15 Defendant.	)	
_____	)	
16		

17 The parties jointly request that, subject to the Court's approval, the preliminary  
18 hearing/arraignment presently set for November 3, 2011 be continued to November 22, 2011 at  
19 9:30 am.

20 Defendant Edward Feng is charged in a criminal complaint with violating provisions of  
21 the federal Food Drug and Cosmetic Act (FDCA). The parties are in negotiations on a pre-  
22 indictment resolution of the case. Additionally, defense counsel requires additional time to  
23 effectively prepare the defendant's case, including investigation and legal research of matters  
24 critical to the case. Accordingly, the parties jointly request that the preliminary hearing or  
25 arraignment be continued from November 3, 2011 to November 22, 2011.

26 For the above reasons, the parties stipulate there is good cause – taking into account the

public interest in the prompt disposition of this case – to extend the time limit under Federal Rule of Criminal Procedure 5.1 for the preliminary hearing or arraignment from November 3, 2011 to November 22, 2011. The parties further agree that the time from November 3, 2011 to November 22, 2011 should be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(b), and that failing to exclude that time would unreasonably deny the defendant and his counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further agree that the ends of justice would be served by excluding the time from November 3, 2011 to November 22, 2011 from computation under the Speedy Trial Act and that the need for the exclusion outweighs the best interests of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

October 26, 2011  
DATED

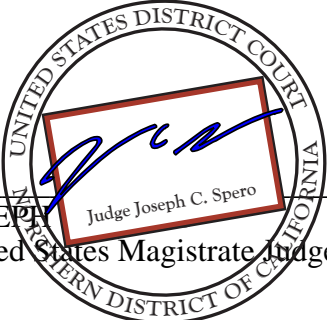
/s  
KIRSTIN M. AULT  
Assistant United States Attorney

October 26, 2011  
DATED

/s  
JODI LINKER  
Assistant Federal Public Defender

IT IS SO ORDERED.

10/31/11  
DATED

A circular seal for the United States District Court for the Northern District of California. Inside the seal is a rectangular box containing a blue ink signature. Below the signature, the text "Judge Joseph C. Spero" is printed. The seal is partially overlaid by the signature and the text "JOSEPH C. SPERO" and "United States Magistrate Judge".  
JOSEPH C. SPERO  
United States Magistrate Judge